

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.No.402 of 2017

and

Crl.M.P.No.7958 of 2017

C. Ramaiah ... Petitioner/Accused

Vs

M/s STP Limited,
having Office at
Nos.55&56, A&B Developed Plots
Ambathur Industrial Estate,
Chennai - 600 098
rep by its authorised signatory and
Assistant Manager,
N. Ramakrishnan ... Respondent/Complainant

Petition filed under Section 482 of the Criminal Procedure Code, to set aside the order dated 19.12.2016 passed in MP No.2512 of 2016 in C.C.No.700 of 2011 by the FTC II Metropolitan Magistrate Court, Egmore, Allikulam, Chennai - 3.

For Petitioner : Mr.G. Muthukumar

For respondent : Ms. Kanimozhi Mathi

सत्यमेव जयते
O R D E R

The petitioner has filed the present petition to set aside the order dated 19.12.2016 passed in MP No.2512 of 2016 in C.C.No.700 of 2011 by the FTC II Metropolitan Magistrate Court, Egmore, Allikulam, Chennai.

2. The petitioner sought to cross examine P.W.1 and filed a petition in M.P.No.2512 of 2016 and the same was declined for the reason that this is an attempt to prolong the issue, since opportunities were already granted twice. Hence the petitioner has filed the present petition.

3. The learned counsel for the respondent opposed granting any opportunity since the matter involves the offence under Sec.138 of the Negotiable Instruments Act and a sum of Rs.5,50,000/- has to be recovered.

4. Heard both sides and perused the materials available on record.

5. To give quietus to this issue, the impugned order dated 19.12.2016 passed in M.P.No.2512 of 2016 is set aside only for the purpose of affording an opportunity to the petitioner to cross examine P.W.1 so as to prove the case of the accused, on condition to pay a sum of Rs.2,00,000/-(Rupees two lakhs only) to the complainant on or before 07.07.2017, failing which, it is always open to the trial Court to complete the trial on merits and in accordance with law.

6. On production of the acknowledgement of payment of Rs.2,00,000/-(Rupees two lakhs only), the petitioner be permitted to cross examine P.W.1, which shall take place on 12.07.2017 and the same shall be completed on the same day itself. On completion of the cross examination, the trial court shall expedite the trial, preferably within six weeks thereafter. With the above direction, the criminal original petition is disposed of. Since the main Criminal Original Petition is disposed of, no order is required in the CrI.M.P.No.7958 of 2017. Accordingly, connected CrI.M.P is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sr

To

FTC II Metropolitan Magistrate Court,
Egmore, Allikulam,
Chennai.

+1cc to M/S.Kanimozhimathi, Advocate Sr.45586

+1cc to Mr.G.Muthukumar, Advocate Sr.45556

CrI.O.P.No.402 of 2017

srg 07/07/2017